

MINUTES OF TOWN BOARD MEETING OF JUNE 8, 2011

PRESENT:	Supervisor	Teresa Dean
	Council	Mike Smith
		Andy Gillette
		Edward Fairbrother
	Attorney	Frederick Ahrens Jr.
	Town Clerk	Linda Cross

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING	4:31 p.m.	Local Law No.3 of 2011 – Amend of Chapter 12.08, Town Parks
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Supervisor Dean called the public hearing to order at 4:31 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on May 31, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a proposed local law titled Amendment of Chapter 12.08 Town Parks, relative to possession, sale or consumption of alcohol within Town parks otherwise known as Local Law #3 of 2011.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:32 p.m.

PUBLIC HEARING	4:33 p.m.	Local Law No.4 of 2011 – Amend of Chapter 17.24.020, Aquifer Protection Overlay District
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Supervisor Dean called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on May 31, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a proposed local law titled Amendment of Chapter 17.25, Overlay District, specifically section 17.245.020, Aquifer Protection Overlay District, relative to infiltration basins, otherwise known as Local Law #4 of 2011.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:34 p.m.

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REPORTS

Supervisor Dean stated the following reports for May 2011 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Youth Department Monthly Report, SPCA Monthly Report, Community Center Monthly Report, Supervisor's Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report.

Supervisor Dean also reported that the Chemung County IDA will be holding a Public Hearing regarding a Pilot Agreement, June 21, 2011 at 10:00 a.m., at the Big Flats Town Hall, regarding the Sonwil Development Group.

PUBLIC HEARING 4:35 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:35 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on May 31, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a Special Use Permit application from Camping World to permit vehicle sales in a BR District, Tax Parcel 57.04-1-7.17 located at Consumer Square.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:36 p.m.

PUBLIC HEARING 4:36 p.m. Special Use Permit – Gerald & Carolyn
Welliver

Supervisor Dean called the public hearing to order at 4:36 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on May 31, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a Special Use Permit application from Gerald and Carolyn Welliver to permit temporary parking of trucks located off Daniel Zenker Drive/Lyons Drive Extension, in a BN2 District, Tax Parcel 66.02-2-31.171.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:37 p.m.

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CONCERNS OF THE PEOPLE

Tom Clark, 610 County Route 64, requested the Town mow the lawn at the neighboring vacant house. Supervisor Dean replied the Commissioner of Public Works has the property scheduled to be mowed next week.

Theresa Goldthwait, 532 Maple Street, stated she is concerned with the Town trucks use of the old railroad bed as their main access to Hammond Street and asked for this to stop. Supervisor Dean stated she will look into this and get back to her about her concern. Mrs. Goldthwait also expressed her concerns with the old Agway Building that is in disrepair and the trash she has to look at. Supervisor Dean replied that the property is now in the possession of a bank and Code Enforcement Officer, Tim Gilbert, has been talking with the bank about our concerns and complaints.

OLD BUSINESS

RESOLUTION NO. 153-11 SUMMER T.A.F.F.Y. EMPLOYEES AMENDED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program and the Town Board adopted Resolution No. 132-11 appointing the employees, and

WHEREAS the Youth Services Coordinator, in a memo dated May 24 and May 26, 2011, requests the Town Board amend the employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the Summer TAFFY employees by removing Claire Hawthorne and appointing Kiersten Duroe, 2850 County Line Drive, Big Flats at the rate of \$7.30 per hour, effective June 27, 2011 – August 5, 2011, and

FURTHER RESOLVED the rate of pay for Sarah Sechrist be amended from \$8.00 to \$8.25.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

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RESOLUTION NO. 154-11
CHAPTER 12.09, TOWN PARKS, LOCAL LAW NO. 3 OF 2011 APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Town Board had reviewed the proposed Town Park Amendment at their regularly scheduled meeting of May 25, 2011, and

WHEREAS the Town Board had reviewed the comprehensive plan and found reasonable facts to support said town park amendment, relative to the possession, sale and consumption of alcohol within Town Parks, and

WHEREAS a public hearing was duly held on June 8, 2011 and all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the amendment of Chapter 12.08, Town Parks, Local Law #3 of 2011, and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 155-11
CHAPTER 17.24.020, AQUIFER PROTECTION OVERLAY DISTRICT,
LOCAL LAW NO. 4 OF 2011 APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS the Town Board had reviewed the proposed Aquifer Protection Overlay District Amendment at their regularly scheduled meeting of May 25, 2011, and

WHEREAS it had been brought to the attention of the Town Board that the New York State Stormwater Design Manual allows for the protection of groundwater from possible contaminations and runoff from designated hotspot land uses or activities must not be directed to a formal infiltration facility, and

WHEREAS the Town Board has determined that the practices permitted by the New York State Stormwater Design Manual and with the required review and approval by the Stormwater Coalition, it is necessary to Amend Chapter 17.24, Overlay Districts, specifically Section 17.24.020, Aquifer Protection Overlay District relative to infiltration basins, and

RESOLUTION NO. 155-11, CHAPTER 17.24.020, AQUIFER PROTECTION OVERLAY DISTRICT, LOCAL LAW NO. 4 OF 2011 APPROVED continued

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WHEREAS a public hearing was duly held on June 8, 2011 and all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the amendment of Chapter 17.24.020, Aquifer Protection Overlay District, Local Law #4 of 2011, District Use Requirements and the Town Clerk shall file the same with the Department of State.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 156-11
SPECIAL USE PERMIT FOR TEMPORARY PARKING OF TRUCKS
FOR TAX PARCEL 66.02-2-31.171 APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board has received an application from Gerald and Carolyn Welliver for Special Use Permit approval to permit temporary parking of trucks located off Daniel Zenker Drive / Lyons Drive Extension, Tax Parcel 66.02-2-31.171, and

WHEREAS the property is located in the Business Neighborhood 2 (BN2) district, and

WHEREAS a public hearing was duly held on June 8, 2011 and all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Special Use Permit for Gerald and Carolyn Welliver for parking of trucks located off Daniel Zenker Drive / Lyons Drive Extension, Tax Parcel 66.02-2-31.171.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 157-11
CAMPING WORLD SALES EVENT SPECIAL USE PERMIT FOR RV SALE APPROVED

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Resolution by: Smith

Seconded by: Gillette

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the proposed action is to be located in the Consumer Square Plaza in the parking lot of the former Wal-Mart on County Route 64, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a Special Use Permit by the Town Board, and

WHEREAS a public hearing was duly held on June 8, 2011 and all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval by Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted Action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-28, now

BE IT THEREFORE RESOLVED the Town Board approves the Special Use Permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be June 23, 2011 through June 27, 2011
- The applicant may begin moving vehicles onto the site three days prior to the sale, June 20, 2011
- All vehicles shall be removed and the site shall be returned to original condition no later than June 27, 2011
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean

NAYS: None

Contract with Mary Holleran as Cooking Instructor for the Community Center- This item was tabled.

NEW BUSINESS

Full-Time Position for the position of Director of Recreation - This item was withdrawn.

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RESOLUTION NO. 158-11
MILTON CAT WHEEL LOADER PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Commissioner of Public Works has determined the need to purchase a wheel loader, and

WHEREAS the State Bid for Wheel Loader is listed under Group No. 40603, and

WHEREAS the purchase of a wheel loader was planned and budgeted by the Town Board for the year 2011, and

WHEREAS a quote from MILTON CAT has been received as follows in conjunction with State Contract # PC65318:

- 1) Make: *Caterpillar*; Model: *938H* – 172 SAE net horsepower per SAE J1349,
Tier II compliant, Michelin 20.5 x 24 XHA2 L-3 tread tires, ROPS cab with dual cab
doors and exit/entry ladders – Warranty – 1 year unlimited hours
Total Price Delivered - \$127,787.00, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase the proposed Milton CAT wheel loader as outlined and in conjunction with State Contract #PC65318 for an amount not to exceed \$127,787.00.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 159-11
SUBORDINATION, NONDISTURBANCE, AND ATTORNMENT AGREEMENT
APPROVED

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Resolution by: Smith
Seconded by: Gillette

WHEREAS Anschutz Exploration Corporation is in the process of completing a natural gas well in the Town of Big Flats and the well spacing unit includes the property owned by Chemung County Industrial Development Agency (CCIDA) and Silicon Carbide Products, Inc., Tax Parcel 57.03-2-12.13, located at 361 Daniel Zenker Drive, and

WHEREAS an open mortgage exist between the Town of Big Flats, CCIDA and Silicon Carbide Products, Inc; therefore, Anschutz is requesting the Town of Big Flats Town Board to review and approve a Subordination, Non-Disturbance, and Attornment Agreement covering said mortgage, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute the Subordination, Non-Disturbance, and Attornment Agreement regarding Tax Parcel 57.03-2-12.13, located at 361 Daniel Zenker Drive, owned by Chemung County Industrial Development Agency (CCIDA) and Silicon Carbide Products, Inc.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 160-11
SHARED SERVICE AGREEMENT APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS the Town Clerk's office purchased an engraving system for the purpose of engraving replacement dog license tags to comply with NYS Agriculture and Market Article 7, and

WHEREAS the Town Board desires to make available to other towns the shared service of engraving replacement tags and shipping to residents of other towns at a rate of \$3.00 dollars per tag, and

WHEREAS the Town of Hornby has expressed an interest in a shared service agreement for the purpose of providing replacement tags to their residents, and

RESOLUTION NO. 160-11, SHARED SERVICE AGREEMENT APPROVED continued

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

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BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute a shared service agreement with the Town of Hornby for the purpose of providing engraved replacement tags at a cost of \$3.00 per tag.

CARRIED: AYERS: Gillette, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 161-11
WEB COORDINATOR RESIGNATION APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Clerk received a resignation letter from Pamela J. Kowulich effective June 1, 2011, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Pamela J. Kowulich as Web Coordinator effective June 1, 2011.

CARRIED: AYES: Gillette, Smith, Fairbrother, Dean
NAYS: None

CORRESPONDENCE

Dam Safety/ Laberge Group. A letter was received on May 10, 2011 from Richard Laberge, P. E., President of Laberge Group, reaching out for any assistance we may need relative to dam safety.

Collaboration Assessment/ IBM. A letter was dated May 9, 2011 from Kevin Painter, Vice President, IBM Collaboration Solutions, regarding salutation for their Collaboration Business.

Dig Safely New York/ NYSEG. A letter was received from Lenny Perfetti, Manager – Natural Gas & Electric Training, regarding Dig Safely New York at 811.

Liquor License/Outback Steakhouse. A letter dated May 23, 2011, from Sommer Ramgel, Legal Assistant-Licensing, regarding the renewal of Outback Steakhouse Liquor License.

Liquor License/Skinner Ernest Post 1612. A letter was received on May 27, 2011 from James Coles, Board of Directors President of the Big Flats American Legion, Skinner Ernest Post 1612, regarding the renewal of their Liquor License.

Profile of General Population and Housing Characterists: 2010/U.S. Census Bureau. A letter dated May 26, 2011 was received from Robert M. Groves Director of U. S. Census Bureau regarding the Profile of General Population and Housing Characteristic 2010.

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Past Support /Community Dispute Resolution Center. A letter dated May 16, 2011 was received from Jeff Lydon, Executive Director of Community Dispute Resolution Center, thanking us for past support asking us for additional support.

2011 Franchise Fee Worksheet/ Time Warner Cable. A worksheet dated May 24, 2011 from Willie Tate from Time Warner Cable regarding the franchise fee information.

Seneca West Pipeline Interconnect/ NYSEG. An updated map for the Seneca West Pipeline Interconnect was received from NYSEG.

Workshop/ NYS Department of Environmental Conservation. An invitation to the workshop on managing your forest in Chemung River watershed was received.

Program Updates/Time Warner Cable. A letter was received from Time Warner Cable, dated June 1, 2011, regarding their updated programming changes.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:06 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 5:06 p.m.

NEW BUSINESS

RESOLUTION NO. 162-11 PURCHASE OF WATER PUMP CONTROL SYSTEM FOR WATER DISTRICT #1 APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Water District 1 & 2 tanks were approved for painting, and

WHEREAS the only tank level control system is on WD #2 pump, and with WD #2 out of service for painting, it is necessary to put controls on WD #1 tank to operate the system, and

RESOLUTION NO. 162-11, PURCHASE OF WATER PUMP CONTROL SYSTEM FOR WATER DISTRICT #1 APPROVED continued

WHEREAS Hunt Engineering solicited via RFP and received three quotes for pump controls as follows:

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AquaLogics Systems Inc.: \$34,750.00

Rytec Corporation: \$39,900.00

Sullivan Associates: \$42,000.00, and

WHEREAS the Commissioner of Public Works recommends the bid be awarded to AquaLogics Systems Inc., and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes AquaLogics Systems Inc. to provide and install a control system for the Water Tank District #1 pump – at a cost not to exceed \$34,750.00.

CARRIED: AYES: Gillette, Smith, Fairbrother, Dean
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Water Board meeting at 5:07 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk